



STATE OF MARYLAND

DHMH

Maryland Department of Health and Mental Hygiene

Board Of Physical Therapy Examiners

BOARD MEETING MINUTES

JANUARY 18, 2011

The meeting was called to Order at 1:05 p.m. by the Chairperson,
Shirley Leeper, PTA.

Call to Order

Board members present:

John Baker, PT, DPT
Rhea Cohn, PT, DPT
Ved Gupta, Consumer Member
Krystal Lighty, PT, DPT
Lori Mizell, PT, Vice Chairperson
Donald Novak, PT, DPT
Lois Rosedom-Boyd, Consumer Member

Also present:

Ann E. Tyminski, Executive Director
Joy Aaron, Deputy Director
Linda Bethman, AAG, Board Counsel
Ernest Bures, Compliance Manager
John Bull, Investigator
Deborah Jackson, Board Secretary
Patricia Miller, Licensing Administrator

Visitors:

Douglas Hinson, PT, MD
Dr. Karen Greely, PT
E. Anne Reicherter, PT, DPT
Paula Hollinger
Sharon Bloom
Kristen Neville

Ms. Leeper welcomed Rhea Cohn, PT as a new member of the Board.

Welcome

The minutes of the Open Session of December 16, 2010 were read and
approved with two corrections.

Minutes

The draft proposal to 10.38.10 Monetary Penalties and Disciplinary Sanctions
as required by HB 114 and SB 325 passed in the 2010 session were reviewed

COMAR
10.38.10

and the Board had a few suggested changes. The continuing education violations and penalty should include a minimum penalty of \$100 and maximum of \$1,000. The types of continuing education violations require more thought and will be discussed again in February. Section 14 (c) would have a minimum penalty of \$100. These suggestions will be referred to Ms. Gibbs.

The letter received from the Maryland Steering Committee on school-based physical therapy and its relationship to the PT Act and regulations was discussed at length with Dr. Karen Greeley, the steering committee's representative. Mrs. Tyminski will give Ms. Lighty and Ms. Cohn the previous correspondence on this issue, and they will draft a response for the Board's review. Ms. Greeley left the meeting at 2:20 p.m.

School Based
Physical
Therapy

Dr. Richard Hinton was recognized to present his thoughts about the LaCrosse Conference, a continuing education course that the Board has denied. The Board members are to respond to Joy Aaron regarding approval or disapproval.

LaCrosse
Conference

The newsletter article drafted by Dr. John Baker was reviewed. Some suggestions were given, and the article was approved to be included in the winter newsletter. The draft of the newsletter presented by Deborah Jackson was approved with some editorial corrections.

Newsletter

An e-mailed inquiry from S. Leeper, PTA was reviewed. Ms. Leeper was recused. The Board's discussion included the fact that the patient/client's best interest should be a primary concern in staffing. The PTA must always know who the supervising physical therapist is on a daily basis. A response will be drafted.

PT, PTA care

Kristen Neville, Legislation Coordinator, requested a moment to ask the Board whether language indicating that if an e-mail was undeliverable, the Board would then send the inquiry or information via U.S. mail could be drafted into the Board's 2011 proposed bill. The Board agreed to such language.

PT Board Bill

An inquiry from D. B. Fishkin, DC regarding diagnostic ultrasound was reviewed. The Board's discussion indicates that rehabilitative ultrasound is currently being studied to determine its effectiveness and use in the practice of physical therapy.

Diagnostic
Ultrasound

Nehal Jain, PT inquired about supervision of PT students. The Board refers him to the definition of direct supervision which does not include "line of sight".

Supervision
of PT students

Tara Stephenson, PT sent an e-mail inquiry regarding how often a PTA must have a supervisory visit by the supervising physical therapist. She will be referred to the ongoing communication section of the practice act.

PTA Supervision

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The Board discussed a request from Brad Segree, a regional rehab manager for clarification on how a PTA can document balance grading. Ms. Leeper will draft the response.

Clarification re
PTA document-

The minutes of the dry needling task force held on January 6, 2011 were presented by Dr. Donald Novak and Dr. John Baker. The task force had decided that dry needling would come under PT practice using mechanical devices. It was emphasized that dry needling as performed in physical therapy is not acupuncture. The 200 hours of prerequisite studies that the Attorney General describes as a requirement for physicians was discussed and decided that 200 hours could be easily obtained by including courses already in the accredited PT programs. A committee consisting of Rhea Cohn, John Baker, Board staff and counsel will write the first draft of the regulations.

Dry Needling

Mrs. Tyminski informed the Board that APTA will hold a Day In Annapolis on February 22. She asked if any board member wished to participate. No one was available to do so. Mrs. Tyminski has sent talking points to APTA for the Board's bill.

APTA

Mrs. Tyminski explained that the sponsors for the Board bill would very much like to have Doctors of Physical Therapy testify this year at the hearings to offset the opposition of the chiropractors that physical therapists are not qualified to use x-rays in their practice. John Baker volunteered to be available.

Board Bill

The office of the Attorney General's prosecution division has voiced objections to some of the expert witness reports. John Baker had attempted to set up some sort of training with physical therapists who offer courses in forensics but was unsuccessful. Mrs. Tyminski suggested that the Board pay for a course to be prepared and presented by the Prosecutors. The Board agreed to this idea, and Mrs. Tyminski will contact John Nugent, Chief Counsel, to arrange the course.

Expert Witness
Training

Mrs. Tyminski gave an update on information received from other states regarding language in their Acts that would allow residents coming from other states to work without direct supervision even though they have not yet been licensed. No other states that responded allow this type of a program. Mrs. Tyminski suggested that the Board table further discussion until the PT Programs that wish to introduce such a program give the Board a detailed report on their vision for the residents. It was also suggested that the universities introduce bill language that would allow residents to work without direct supervision in Maryland.

Residents

The Federation of State Boards of Physical Therapy has ceased requiring the Boards to submit weekly lists of their foreign educated applicants.

FSBPT

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The Board members were given copies of the FSBPT 2011 Budget.

An inquiry from Jill Stone, PT inquiring as to what change in status medically in an acute care setting would constitute a reassessment. The Board's response will be that a physical therapist must use his/her professional judgment in assessing the full clinical picture. Ms. Mizell will draft the response.

Change in
Status

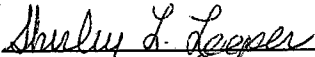
Additional informational material presented to the Board included the following: resignation of Secretary John Colmers; e-mail from new Secretary, Joshua M. Sharfstein, MD; a message regarding oversight of regulatory functions from Secretary Sharfstein; a thank you letter to the Dept. of Social Services in Frederick for use of their conference room; new board member list; mileage reimbursement rates; and the proposed telemedicine bill. Mrs. Tyminski requested the Board members contact her by e-mail if they would want physical therapists included in the telemedicine bill.

Information


The Board unanimously voted to close the open session at 4:05 p.m. for the purpose of engaging in medical review committee deliberations in accordance with State Government Article Section 10-50 8(a)(13) and to discuss disciplinary cases in the Administrative Session.

Respectfully submitted,

Date Approved:


Shirley L. Leeper, PTA, Chairperson

Feb. 15, 2011


Ann E. Tyminski, Executive Director